

**BOROUGH OF WIND GAP
545 East West Street
WIND GAP, PA 18091
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The Council meeting of the Borough of Wind Gap on Monday, November 7, 2022 was called to order at 7:00 p.m. by President George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Council members Dave Hess, Steve Bender, Dave Manzo, Patrick Webber and Jeff Yob. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysher, and Borough Manager Louise Firestone. Absent was Councilman Alex Cortezzo.

PUBLIC COMMENT

No one appeared before Council at this time.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the October 3, 2022 minutes and seconded by Patrick Webber. Roll call vote taken. In favor: S. Bender, D. Hess, G. Hinton, D. Manzo, P. Webber. Abstained: J. Yob. Motion carried with a vote of 5-0-1.

APPROVAL OF EXPENSES

On motion by Dave Manzo to approve the expenses in the amount of \$96,309.34 and seconded by Patrick Webber. Roll call vote taken. In favor: D. Hess, G. Hinton, D. Manzo, P. Webber, S. Bender. Opposed: J. Yob. Motion carried with a vote of 5-1.

On motion by Dave Manzo to approve payment to CMR Construction Park Trail Retainage in the amount of \$10,178.20 and seconded by Patrick Webber. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Attorney Karasek stated that he will forward his October 2022 written report upon completion. He spent considerable time during the month of October on reviewing the Release of Securities and the Emergency Access Maintenance Agreement JERC documents that appear later on the agenda.

ENGINEER'S REPORT

Brian Pysher reported that UGI has approved and confirmed the project allowing both the municipal building and the maintenance garage to be hooked up to natural gas. The project includes installing a lateral off of East West Street to service the maintenance garage and another lateral up the middle of the front driveway to the municipal building. UGI officials confirmed that this service will be at no cost to the borough. UGI will begin construction once

the design has been completed and approved through their company. He will reach out to Keycodes, natural gas lines are subject to different construction codes and he will also do some research and reach out to a mechanical engineer to size the line. Brian will update Council as soon as he has a cost estimate for the work that is the responsibility of the borough once the gas laterals are installed by UGI.

Brian reported that he does have some information regarding a proposed project on Constitution Avenue for next year. The total surface of Constitution is approximately 7,000 square yards. Rich Fox informed Brian that there have been ongoing issues with sinkholes. The pipes have rotted out and in some areas the asphalt has been caving in, which has required pavement patchwork being completed. Brian hopes to have quantities for the mid-month meeting. Brian will advise PA American Water and the Wind Gap Municipal Authority of the proposed project so both entities can plan if there are any related projects to be done simultaneously while the street is open.

NEW BUSINESS

1. JERC – Release of Securities – Tabled until the November 22, 2022 Council meeting.
2. JERC – Emergency Access Maintenance Agreement – Tabled until the November 22, 2022 Council meeting.
3. 2023 Slate Belt Regional Police Department Budget Approval - \$573,135.00

On motion by Dave Hess and seconded by Jeff Yob. Roll call vote taken. In favor: D. Manzo, P. Webber, J. Yob, D. Hess, G. Hinton. Opposed: S. Bender. Motion carried with a vote of 5-1.

4. DRAFT 2023 Wind Gap Borough Budget. Council was provided the original first draft of the proposed 2023 Budget. Council will review the budget for further discussion at the November 22, 2022 mid-month meeting.

OLD BUSINESS

1. Verizon Cell Tower - Brian Pysher reported that he contacted Kate Durso, the Attorney for Verizon, in order to discuss the proposed cell tower at 545 East West Street, on borough property. To date, the Borough has not received an application for sub-division, although it was Brian's understanding that Verizon was going to submit a land development plan. As far as land development goes, based on the definition, the project certainly requires one. He would not be opposed to Borough Council waiving the process, but he thinks at the very minimum they need to do the application. They do have a comprehensive site plan that is part of their permit application. Brian expressed concerns regarding the access easement as they do not really have an easement. There is an issue about sub-division, his recollection was that Council wanted to sub-divide the section that they were leasing to be assured that if the County decided that they wanted to tax us for utilizing a property for something other than Municipal use since we will be making money on it. The proposed parcel would be 30 by 70, creating a nonconforming parcel. The question does the Borough need to follow the zoning ordinance came up. He contacted Attorney Karasek and Suzanne and he does not know how Council would like to proceed. He thinks we can waive the sub-division process and work with land development so they do not have to come to planning, whether or not we want to follow the

zoning. Attorney Karasek said that he is aware that the Borough wants to move ahead on this. The Attorney Durso, the attorney for Verizon, said they never had a situation where a Borough, Municipality or Township got taxed for having a cell tower on their property. He told her that he thinks this needs to be sub-divided and they need to follow the ordinance requirements. He does not want someone to come later on and state that we do not follow our own rules so why should they. Brian explained that there was a field meeting early on in the process when Tina Serfass was the Borough's Zoning Officer. Brian reiterated that representatives attending the field meeting on behalf of Verizon were very aware of the Borough requirements that needed to be followed: He provided Verizon's engineers with electronic copies of the property plans used by the borough after the property was purchased. Suzanne said that the last time she spoke with them, they knew that they had to go through the sub-division and land development and they were wondering if they could ask for a waiver for it. She told them to still submit the plans but go for a waiver for it. Attorney Karasek said that on February 29, 2022, Sue Manchel did an e-mail that reads, as per our discussion, Verizon Wireless will take care of the permitting and zoning costs for sub-dividing the property that they are going to lease, let her know if you have any questions. This make it clear that they understood that they knew there would be zoning and sub-division costs. Brian said the he has not heard anything from them other than their attorney a few weeks ago. He initiated it saying they were supposed to do sub-division and land development and she responded back with they did not think they had to do that or they were told they did not have to do that. He did not respond, he wanted to speak with Attorney Karasek and get in front of Council to make sure he they were clear on what Councils wishes were.

George Hinton said that based on their old e-mail, do we want to have Attorney Karasek contact their lawyer and get this thing going. Jeff Yob said they agreed, based on their letter we can ask when they are going to move forward, when do you expect to make this submission.

On motion by Jeff Yob to authorize Attorney Karasek to discuss the Borough's concerns and requirements based on past conversations and correspondence and seconded by Dave Manzo. Roll call taken. Motion carried unanimously.

2. Wind Gap Municipal Authority Appointment

On motion by Patrick Webber to appoint Dave Manzo to the Wind Gap Municipal Authority and seconded by Steve Bender. In favor: J. Yob, S. Bender, G. Hinton, D. Manzo, P. Webber. Opposed: D. Hess. Motion carried with a vote of 5-1.

3. Draft Ordinance for Chickens within the Borough. Steve Bender asked for an update regarding allowing chickens in the borough. Zoning Officer Suzanne Borzak stated that she has drafted an ordinance for review by Council. After further discussion, it was decided to have Council review the draft and be prepared to discuss at the November 22, 2022 mid-month meeting.

4. Chicken Ordinance Discussion. Suzanne Borzak had provided Council with copies of several surrounding municipalities regarding the keeping of chickens within the borough. Council would like to be provided further information so that a discussion regarding allowing chickens can continue at the mid-month Council meeting. Suzanne is of the opinion that the discussion includes, lot size, number of chickens allowable by ordinance and possible permitting.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of November 7, 2022. Council agreed unanimously. The meeting of November 7, 2022 adjourned at 7:55 p.m.



Louise Firestone, Borough Manager